

REMARKS

This RCE and amendment is being filed in response to the Advisory Action and Office Action mailed May 25, 2004. A petition for appeal was mailed by Applicant on August 3, 2004. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 02-1818.

Applicants respectfully request reconsideration and allowance of the pending claims in the present application in view of the foregoing amendments and remarks below.

1. Status of the Claims

Claims 2-13 and 16-34 are presently pending in this application. Claims 3, 5, 10 and 12 were amended in this response to re-incorporate subject matter that was added to the claims on the reliance of Examiner's indication of allowable matter (see Office Action dated February 3, 2004), and to better clarify the claim terms. Accordingly, Applicant retracts any conceivably disclaimed subject matter that came as a result of the previous amendment.

Applicant also seeks clarification regarding statements in the Office Action. The Examiner indicated that the Office Action was in response to amendments files May 21, 2004 in which claims 1-13 and 16 were presented for further examination. However, Applicant filed a response on May 3, 2004, wherein claims 2-13 and 16-24 were presented for examination. Clarification in this regard is respectfully requested.

2. Prior Art Rejections

Claims 1-9, 11-13 and 16 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,301,582 to *Johnson* et al. (*Johnson*). Applicant respectfully traverses the rejection. Favorable reconsideration is respectfully requested

The Office Action asserts that *Johnson* et al. discloses all of the elements of claim 3 except for direct connection of a lookaside buffer to permanent memory. Furthermore, The Office Action asserts that it would have been obvious to modify the system of *Johnson* et al. to directly connect data storage into the lookaside buffer in order to facilitate faster access. In response, the Applicant respectfully disagrees that *Johnson* discloses all of the elements of claim 3 and that it would have been obvious to modify *Johnson* to achieve all of the claimed features.

In particular, claim 3 (and similarly claims 10 and 12) features “permanent memory connected to the buffer, the permanent memory having at least first and second storage units, into which the persistent data is alternately written.” In contrast, *Johnson* discloses storage of persistent data in the data storage 206, as illustrated in Fig. 2 with two units labeled “backing store.” As taught by *Johnson* et al., a “virtual storage manager allocates and deallocates portion of the SAS 204 to portion of the data storage 206 as needed.” (See column 10, ll. 35-37). This teaching, however, is not tantamount to a teaching that persistent data is alternately written to the two “backing stores” in data storage 206. Moreover, no specific teaching or suggestion is given in *Johnson* nor presented in the present Office Action explicitly or implicitly evincing that *Johnson* teaches this function. Rather, the Office Action merely refers to Fig. 2 without any explanation. Accordingly, the Applicants respectfully submit that the present Office Action has not established that *Johnson* teaches or suggests all of the elements of claim 3 and that *Johnson* indeed does not teach or suggest all of the claimed elements.

Moreover, the Applicant respectfully disagrees that it would have been obvious to one of ordinary skill in the art to directly connect the data storage of *Johnson* into the lookaside buffer contained within the virtual address translator 210. In particular, the virtual address translator 210 is disclosed as translating SAS addresses to native addresses of the data in the page cash when requested by client objects. (See, column 10, ll. 37-40). There is no teaching or suggestion that persistent data is actually written to the virtual address translator 210. In contrast, claim 3 features “a buffer into which is written persistent data.” Furthermore, because the virtual address translator 210 is not utilized in the function of actually storing persistent data, one of ordinary skill in the art would not be motivated to “directly connect” the lookaside buffer within the translator 210 to the data storage 206 because it simply would not make sense to do so. Accordingly, the Applicants respectfully submit that it would have not been obvious to modify *Johnson* in the way asserted in the present Office Action to thereby arrive at the claimed features, irrespective of any assorted motivation.

Furthermore, *Johnson* does not disclose the features where “the configuration data that is complete for configuration is alternately written into the storage units by writing the complete configuration data into one of the storage units completely and thereafter a later version of the configuration data is stored in the other storage unit completely such that if the later version is lost during loading, the persistent data that is complete for configuration stored in at least one of

the storage units continues to exist and is recoverable" as recited in claim 3, and similarly recited in claims 10 and 12. In fact, *Johnson* is completely silent on these features.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 2-13 and 16-34 are in condition for allowance and respectfully request an early Notice of Allowance.

Respectfully submitted,

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